

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes for October 15, 2020

Los Angeles County Public Works
900 South Fremont Avenue
Alhambra, California

WEB CONFERENCE

COMMITTEE MEMBERS PRESENT:

Margaret Clark, League of California Cities
Jeff Farano, Institute of Scrap Recycling Industries
Gideon Kracov, Los Angeles County Disposal Association
Jack Hadjinian, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
Mike Mohajer, General Public Representative
Liz Reilly, California League of Cities-Los Angeles Division
Jim Smith, City of Los Angeles, Los Angeles City Council 6th District

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Wayne Nastri, rep by Jack Cheng, South Coast Air Quality Management District
Craig Beck, rep by Charles Tripp, Long Beach Department of Energy
Robert Ferrante, rep by Sam Shammass, Sanitation Districts of Los Angeles County
Barbara Ferrer, rep by Shikari Nakagawa-Ota, Los Angeles County Public Health
Mark Pestrella, rep by Coby Skye, Los Angeles County Public Works
Enrique Zaldivar, rep by Reina Pereria, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Rafael Prieto, City of Los Angeles

OTHERS PRESENT:

Shari Afshari, Los Angeles Public Works
Perla Gomez, Los Angeles County Public Works
Wayde Hunter, North Valley Coalition of Concerned Citizens
Gerald Ley, Los Angeles County Public Works
Adrian Perea, Los Angeles County Public Works
Carol Oyola, Los Angeles County Public Works
Chris Sheppard, Los Angeles County Public Works
Kawsar Vazifdar, Los Angeles County Public Works
Jeffrey Zhu, Los Angeles County Public Works

I. CALL TO ORDER

Meeting called to order at 1:08 p.m. by Ms. Clark.

II. APPROVAL OF THE SEPTEMBER 17, 2020 MINUTES

Ms. Riley made a motion to approve the minutes as corrected. Ms. Landis seconded the motion. The motion passed with two abstentions.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE (ATAS)

Mr. Sheppard reported that there was a presentation from a gasification company in California called Caribou Biofuels. Mr. Sheppard explained that Caribou Biofuels is currently working on a demonstration project with CalFire to process forest biomass. He also mentioned that they are currently working with Rochester Institute of Technology using a Department of Energy grant to test their technology and the use of the byproducts to make concrete. He added that Caribou Biofuels has been talking to facilities in California to possibly test their technology using municipal solid waste (MSW) at existing landfills. Mr. Sheppard mentioned that this technology was originally developed to process waste at United States (U.S.) Army facilities

Mr. Sheppard also reported that Traacey Anthony from Alternative Resources Inc. (ARI) provided an update on conversion technology (CT) project development. He mentioned that Clements Environmental has been performing research regarding Title V permit requirements composting and anaerobic digestion facilities and is currently researching ammonia emissions. He continued that Public Works recently posted permitting flow charts on their CT website, which outline the permitting requirements and estimated timelines for various facilities including anaerobic digestion and composting facilities. Mr. Sheppard also reported that ARI is preparing a fact sheet regarding the development of anaerobic digestion facilities for source-separated organic waste and MSW in Europe compared to the U.S. to show the differences in the number of available facilities and the progress of the technology in Europe.

Lastly, Mr. Sheppard provided the following list of upcoming events and asked the Task Force members to let him know if they would like to subscribe to the CT newsletter.

- Biocycle REFOR 2020 – October 19 – 22, 2020, in Raleigh, NC – Cancelled

- Paper and Plastics Recycling Conference – Live broadcast scheduled on October 20 - 22, 2020.
- VERGE 2020 Conference – Held virtually on October 27 – 29, 2020.
- Annual Southern California Waste Management Forum Conference - Held virtually on November 5, 2020.
- CSAC 126th Annual Meeting/CEAC Fall Conference – Held virtually on November 12 - 19, 2020.
- National Zero Waste Conference – Will be held virtually on December 1 - 3, 2020.

Ms. Riley asked if Mr. Sheppard could provide more information about the use of byproducts to make concrete. Mr. Sheppard responded that Caribou Biofuels is considering using byproducts of gasification, such as biochar, into concrete to lighten its weight, improve its durability, and provide a market for byproducts as part of their research with Rochester Institute of Technology and the Department of Energy.

Ms. Clark requested to be added to the CT newsletter.

IV. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE (FPRS)

Ms. Landis reported they had a presentation provided by Mr. Eugene Tseng on his collaboration with National Aeronautics and Space Administration (NASA) on the measurement of methane emissions.

Ms. Landis reported on the SCL odor complaints from the South Coast Air Quality Management District (AQMD). During the month of September 2020, there were over 105 complaints that were made to the AQMD hotline. Of those complaints, 49 were classified as trash, 5 were classified as landfill gas, and 4 were classified as trash/landfill gas, 15 were listed as “No Field Response”, and the rest were listed as odor from other source. Ms. Landis mentioned the number of complaints was higher compared to the month of August 2020, with an increase from 82 to 105 complaints. Compared to September of last year, the number of complaints increased from 95 to 105. Ms. Landis added that as of October 6, 2020, AQMD has issued 3 Notices of Violation (NOVs) related to odor for the month of September. She reported that according to AQMD, the total number of complaints received so far during the year 2020 is 419.

Ms. Landis also reported on the discussion regarding soil importation at the SCL and how it relates to the Finding of Conformance (FOC).

Ms. Landis reported that there was a discussion regarding the SCL 2nd Quarter Vegetation Report, and the landfill operator reported that they will continue with their schedule of weeding at the site.

Ms. Landis also provided an update on Chiquita Canyon Landfill (CCL) regarding the ongoing lawsuit and the NOV's CCL received for the month of September. The County is currently in discussion with the landfill operator regarding these lawsuits.

Ms. Landis reported that the Subcommittee received an update on the proposed Green Zones Ordinance and that the Subcommittee asked staff to keep them informed about it. She added that the Environmental Impact Report (EIR) has not been completed yet, but that staff would provide an update when the EIR is released.

V. LEGISLATIVE UPDATE

Mr. Ley gave a report on the [legislative table](#). He mentioned that September 30, 2020, was the last day for Governor Newsom to sign or veto those bills. Mr. Ley mentioned that the Legislative Table cover sheet lists the bills, which the Task Force has taken a position on, along with the four bills that passed to the Governor for signature. He added there are a total of 26 bills on the Legislative Table, 21 state bills and 5 federal bills.

Mr. Ley reported that the following four bills were presented to the Governor for signature.

AB 793 (Ting and Irwin) – Recycling: Plastic Beverage Containers: Minimum Recycled Content. Staff recommended this bill because it would establish an economic level of post-consumer recycled content while supporting economic threshold for the recycling markets. The Task Force position was to support, and it was approved by the Governor on September 29, 2020.

AB 2287 (Eggman and Ting) – Solid Waste. This bill would help clarify specifications of compostable plastics and biodegradable mulch films. The Task Force position was to support, and it was approved by the Governor on September 29, 2020.

AB 3163 (Salas) – Energy Bio-Methane Procurement. Staff recommended this bill because it would expand the definition of biomethane to include methane that is produced from non-combustion thermal conversion of eligible biomass feedstock. The Task Force position was to support, and it was approved by the Governor on September 30, 2020.

SB 68 (Galgiani) – Hazardous Waste Treated Wood Waste. This bill would have supported appropriate handling, disposal, and other management of treated wood waste. The Task Force position was to support. In the Governor message to the Senate, the Governor stated that Senate Bill 68 creates a significant additional mandate for Department of Toxic Substances Control (DTSC) to perform regular inspections of generators and disposal sites for treated wood waste. Mr. Ley explained that the hazardous waste control account currently has a structural deficit and this unfunded new mandate will cost the department millions of dollars to implement. Staff will continue to monitor this bill in the event it returns during the next session addressing the Governor’s concerns.

Ms. Clark asked if this treated wood waste is going to landfills and if it is because of not being able to afford the cost to check it. Mr. Skye responded that the material will end up being disposed and he has not seen this administration place a priority on bioenergy.

Ms. Clark also asked if a lot of the bills died due to deadlines because a lot of them did not pass. Mr. Ley responded that it was a strange session and there was a lot of priority on bills related to COVID-19 and the fires. Staff will keep track of which bills come back during the next session.

VI. LOS ANGELES COUNTY GREEN ZONES ORDINANCE

Ms. Vazifdar gave a [presentation](#) on the Los Angeles County Green Zones Ordinance. She mentioned that she gave the same presentation during the FPRS meeting along with a representative from the Department of Regional Planning who could not be present during the Task Force meeting.

Ms. Landis expressed her concerns about the siting of facilities for storing or processing wood waste, food waste, or other solid waste that could be contaminated or could decompose and generate methane emissions. She added that conditional use permits (CUPs) may not be enough to mitigate impacts from methane emissions which may not be fully understood.

Mr. Kracov explained that he does not believe the Green Zones Ordinance is designed to make it easier to site solid waste and recycling facilities and that the requirement for CUPs will make it more difficult to site facilities. He added that there is an overconcentration of facilities in low-income communities of color and that the Green Zones issue will reduce impacts to these communities. Mr. Kracov mentioned that although the Green Zones Ordinance will protect vulnerable communities, it will create barriers for Senate Bill 1383 (SB 1383) compliance by making it difficult to build dozens of new organics recycling facilities. Lastly, he

mentioned that it is important to comment on the Green Zones Ordinance to ensure that the necessary organics facilities can be developed safely while protecting environmental justice communities.

Mr. Skye agreed with Mr. Kracov and added that the Green Zones Ordinance will increase the cost of developing new organics recycling facilities to comply with SB 1383, and the additional costs will be passed on to ratepayers.

Ms. Clark requested that staff consider introducing legislation to prevent the transport of contaminated organic waste outside of quarantine zones, that could be introduced in regarding this matter. Mr. Skye responded that staff would look into it.

Mr. Mohajer mentioned that, as a result of Assembly Bill 876, the County is required to prepare a Countywide Organic Waste Management Plan (Plan), which has been submitted to CalRecycle. Mr. Ruiz mentioned that the Plan was first submitted in 2017 and staff have been preparing updates as a part of the annual report for the Sitting Element and Summary Plan. He added that staff will present the updates to the Task Force in the next few months.

Mr. Kracov requested that staff notify the Task Force when the draft Environmental Impact Report for the Green Zones Ordinance is released and prepare comments for the Task Force to submit to the Department of Regional Planning.

VII. 2021 ADVOCACY STRATEGY REGARDING SENATE BILL 1383

Mr. Sheppard mentioned that during the last Task Force meeting, Ms. Riley suggested that the October and November meetings be used as planning sessions to come up with strategies and develop a plan to potentially develop some legislation for the next session beginning January 2021.

Mr. Sheppard mentioned staff put together the following recommendations related to SB 1383 Regulations:

1. To continue to track and develop SB 1383 regulations by:
 - a) Preparing timely recommendations back to CalRecycle.
 - b) Preparing comments to State legislature, the Governor, and any other relevant decision makers. With a primary focus on four key areas:
 - i. Temporary regulatory relief by extending the SB 1383 implementation time frame.

- ii. Funding for organic waste diversion infrastructure and local implementation efforts.
 - iii. Greater flexibility to comply with SB 1383 requirements including recognizing jurisdictions “good faith” efforts.
 - iv. Flexibility in the use of technologies such as conversion technologies that can divert significant amounts of organic waste from landfills.
2. To leverage the Task Force members existing participation in various organizations. Task Force members are involved in many other organizations, bioenergy associations, California Product Stewardship Council, League of Cities, Solid Waste Association of North America (SWANA).

Ms. Riley made a brief comment saying she agreed with the four points that staff recommended and that the Task Force must be prepared to say something when they need to say it.

Mr. Kracov shared that he has spoken with different people about this item and he had noticed that because the deadlines are approaching soon, people have started to focus on it and he believed that there will be a lot of people interested in this.

Mr. Kracov also mentioned that CalRecycle recently released a three-page guidance document, which they point out being quite flexible and that the process for enforcement is quite long and gives municipalities and jurisdictions a lot of time to get their stuff together. He also mentioned that the Governor just issued an executive order trying to speed up climate goals.

Mr. Skye mentioned that the bill that Los Angeles County (County) sponsored this year was primarily to provide funding because at the time they saw that the biggest challenge was to overcome a lack of funding and to ensure that the substantial gap in capacity and actual infrastructure in the ground to divert organic waste, addressed the challenges that National Sword had exposed, and that the Task Force had raised the issue for over two decades. He continued to say that we need to have investment in recycling and organic waste diversion infrastructure. Mr. Skye also mentioned how COVID-19 has brought changes and impacts to the economy and because of Cap-and-Trade Funding dissolving this year, and now there is an issue with timing as being much more pressing because there is not a lot of time to begin with and much time has been lost to get the infrastructure developed.

Ms. Landis made a comment that it made sense to have a range of alternative technologies that do not produce noxious gases and produce things that can be

used; for example, electricity. Ms. Clark agreed with Ms. Landis and mentioned that there should be different choices.

Mr. Skye added one more point regarding the need for flexibility. He mentioned that they recently looked at the need for infrastructure, particularly with food waste. Mr. Skye continued to add that there is nearly 2 million tons of food waste going to the landfills, just from the County every year and there is no possible way to compost all of that material because composting food waste requires composting with at least an equal amount of green waste. Mr. Skye added that there needs to be much more CT facilities developed in order to reach SB 1383 goals.

Mr. Kracov asked Mr. Skye what the best route for the Task Force was to take on this topic, since they want to support the County's effort and would the County have more certainty on its direction from the Board in the November/December timeframe or does it get pushed to January. Mr. Skye responded that before the end of the year, the County will know the direction from the Board and whether there is an interest in continuing to prioritize sponsorship of the legislation that was introduced this year, which he expects a strong interest in.

VIII. SENATE BILL 1383 REGULATORY PACKAGE RESUBMITTED TO OFFICE OF ADMINISTRATIVE LAW

Mr. Sheppard provided an update on the SB 1383 regulatory package that CalRecycle resubmitted to the Office of Administrative Law (OAL) on October 9, 2020. He mentioned that the OAL has 30 working days to conduct a review of the rulemaking records to ensure CalRecycle has satisfied all the requirements, meaning that the OAL will make a decision by November 20, 2020. He also mentioned that before resubmitting the rulemaking package, CalRecycle made the SB 1383 regulations available for public review and comment in April and May of 2020, and the Task Force submitted comments on May 18, 2020. Mr. Sheppard added that the resubmitted rulemaking package is not publicly available, and staff has not been able to identify any changes that CalRecycle made in the regulations based on the Task Force comments.

Mr. Sheppard mentioned that if the OAL approves the rulemaking action, the regulations will be filed with the Secretary of State and become effective on January 1, 2022. He added that if the OAL disapproves the rulemaking action, the regulations will be returned to CalRecycle for additional revisions. He stated that the OAL is not soliciting or accepting comments on the rulemaking package at this time.

Mr. Sheppard reported that CalRecycle previously submitted the rulemaking package to the OAL in January 2020 and that, in February 2020, the Task Force submitted a comment letter to the OAL recommending that they return the adopted regulations to CalRecycle to be revised and to address various issues regarding a lack of consistency in the regulations as well as CalRecycle's lack of authority to impose certain requirements on local jurisdictions. He continued that on March 4, 2020, the OAL notified CalRecycle that it could not approve the rulemaking package because of a failure to meet the clarity and the necessity standards and certain procedural requirements of the California Administrative Procedures Act. He stated that CalRecycle is trying to address these issues in the latest version that was resubmitted to the OAL. He concluded that staff is waiting to hear OAL's decision on the new submittal.

Mr. Mohajer stated that Cara Morgan of CalRecycle will be the keynote speaker discussing SB 1383 at the Southern California Waste Management Forum virtual meeting. Ms. Clark requested that staff send a registration link for the event to the Task Force.

IX. CALRECYCLE UPDATE

Ms. Wallin provided updates on the following grants:

- Illegal Disposal Site Abatement Grant – Due October 28, 2020
- Legacy Disposal Site Abatement Grant – Due October 28, 2020
- Farm and Ranch Solid Waste Clean Up Grant – Due November 5, 2020

Ms. Wallin also provided the following updates:

- Overview of the tools for SB 1383 on October 23, 2020
- Model Franchise Agreement on October 27, 2020
- Organic Waste Disposal Reduction Ordinance on October 27, 2020 in the afternoon
- Model Procurement Policy on October 28, 2020
- Edible Food Recovery Agreement on October 28, 2020
- Rate Hearing and Methodology Workshop on October 29, 2020 at 1 p.m.

X. PUBLIC COMMENT

Ms. Oyola reported a comment was received through the Q and A from an anonymous attendee. The person commented as what should be expected on green Los Angeles County and green City of Los Angeles to ever ban Styrofoam

take-out containers. Ms. Oyola also mentioned that the attendee added that the Task Force had heard commitments to ban Styrofoam for a decade and was it realistic to expect a steady stream of calls by politicians and business as usual bureaucrats. The attendee asked what the underlying pattern was for Los Angeles and the delays on this topic.

Ms. Clark responded that the Task Force could not answer that question.

XI. ADJOURNMENT

The meeting adjourned at 2:38 p.m. The next meeting is scheduled remotely on Thursday, November 19, 2020.